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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 3rd March, 2006:—

BILL No. 146 OF 2005

A Bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest Conservation (Amendment) Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the official gazette, appoint.

2. After section 3B of the Forest (Conservation) Act, 1980, the following section shall be inserted, namely:—

"3C. Notwithstanding anything contained in section 2 and 3, when a forest land or any part thereof, measuring not more than forty hectares, is required for any work relating to irrigation or mining, the clearance for the deforestation of the forest land may be given by the District collector in whose jurisdiction the forest area falls:

Provided that a list of all such cases of deforestation under the provisions of this section shall be furnished to the Union Ministry of Environment and Forests for information and record at the end of every year."

Short title
and
commence-
ment.

Insertion of
new section
3C.
Clearance for
deforestation
for irrigation/
mining
projects by
District
Collector.

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 puts certain restrictions on the clearance of the forest land for non-forest purposes. Though section 2 of the Act lists certain exceptions to this rule these exceptions do not include irrigation projects needed for the betterment of farmers or mining related activities. Due to the restrictions, farmers are finding it difficult to have sufficient water for their fields. The foodgrain production is going down. It has resulted in increasing incidence of malnutrition, starvation and suicide among farmers. On the other hand, the farmers living in non-forest areas do not suffer any such restriction. Irrigation projects can easily be implemented there. To remove this discrimination it can be provided that irrigation projects in forest areas, covering an area not more than 40 hectares, can be cleared at the level of District Collector. It will not only ensure quick disposal of irrigation projects but the transparency will also be maintained. Such a step will prove to be immensely helpful for farmers and their standard of living will also be improved.

Hence this Bill.

NEW DELHI;
November 10, 2005.

HANSRAJ GANGARAMJI AHIR

BILL NO. 148 OF 2005

A Bill to provide for the setting up of a Special Irrigation Development Fund for the development of irrigation facilities in the forest areas and for matters connected therewith.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Irrigation Development Fund (for Forest Areas) Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,
extent,
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'forest area' means any district where more than thirty-three per cent of the total geographical area is covered by forests and has been declared as the forest area by the State Government concerned or the Central Government, as the case may be, for the purposes of this Act;

(b) 'fund' means the Special Irrigation Development Fund constituted under section 3 of this Act; and

(c) 'prescribed' means prescribed by rules made under the Act.

Special
Irrigation
Development
Fund.

3. (1) **The Central Government shall set up a fund to be known as the Special Irrigation Development Fund for the development of the irrigation facilities in the forest areas of the country.**

(2) **The Central Government shall contribute to the Fund such sums of money as Parliament may, by due appropriation, provide.**

State
Government/
Union
Territory
Administration
to send
details of the
infrastructure
and cost
required for
the
development
of irrigation
facility in
forest areas.

4. (1) A State Government or the Union Territory Administration, as the case may be, shall forward the details of the required infrastructure and the estimated cost of the irrigation development project of the forest areas falling in their respective territories to the Central Government.

(2) **The Central Government on receipt of such details, shall provide funds to the State Government or the Union Territory Administration, as the case may be, for the development of irrigation facilities in the forest areas in such manner as may be prescribed.**

(3) The funds provided under sub-section (2) shall be used for the following purposes:—

- (i) expeditious completion of ongoing irrigation projects in forest areas;
- (ii) construction of small ponds for the use of farmers in the forest areas;
- (iii) digging wells/bore wells in the forest areas;
- (iv) installing electric pumps for irrigation in the forest areas;
- (v) providing pipes for irrigation to the farmers living in the forest areas;
- (vi) meeting costs incurred on implementing the "Lift Irrigation Scheme" based on the water resources of the forest areas;
- (vii) renovation of old ponds/water reservoirs in forest areas; and
- (viii) construction of canals.

(4) The State Government/Union Territory Administration getting funds under sub-section (2) shall furnish the details of expenditure incurred on the irrigation development works in forests areas to the Central Government in such manner and in such time as may be prescribed.

(5) In case any State Government/Union Territory Administration fails to utilise the funds for the purpose it was released or fails to produce the details under sub-section (4), the Central Government shall withhold funds to such State Government/Union Territory Administration.

Power to
make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act has put some restrictions on the use of forest land for non-forest purposes. Due to this, irrigation projects and other development activities cannot be undertaken in the forest areas. It would not be justified to deprive the people who have been living in forest areas since time immemorial from getting facilities for their upliftment. A large number of proposals relating to irrigation projects in the forest areas are pending approval in the Ministry concerned. Due to lack of irrigation facilities, people living in the forest areas have to depend on rain despite having the water reservoirs. Due to non-availability of irrigation facilities, the production in forest areas is low which compels them to live in extreme poverty. The agricultural production has suffered due to increase in number of small holdings as a result of division in families. The small holding has also made it difficult for them to run their families. In case, the irrigation facility is provided even in small holdings of land it may enable the farmers to sustain their lives. Therefore, Government should take initiative to create a fund for the betterment of farmers.

It is becoming more and more difficult for the farmers living in forest areas to cultivate their lands due to non-availability of irrigation facilities. Farmers are committing suicide due to heavy indebtedness to local money lenders who charge high rates of interest. To save the farmers of the forest areas from the hardship presently being faced by them, there is a need to constitute a special Irrigation Development Fund for the forest areas.

State Government do not have sufficient funds for the development of Irrigation Projects in the forest areas.

Therefore, there is a need to set up a fund by the Central Government for the development of Irrigation Projects in the forest areas to facilitate better irrigation facilities in the forest areas and to ensure better living standard to the farmers of these areas.

Hence this Bill.

NEW DELHI;
November 10, 2005.

HANSRAJ GANGARAMJI AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Special Irrigation Development Fund for the forest areas. Clause 4 provides for the release of funds to the State Government for the development of irrigation projects in the forest areas. The Bill, therefore, if enacted, is likely to involve an annual recurring expenditure of rupees fifty thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of about five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 12 OF 2006

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2006.

Short title.

2. In article 253 of the Constitution, the following proviso shall be added at the end, namely:—

Amendment
of article
253.

"Provided that every treaty, agreement or convention entered into by India with any other country or countries or multilateral organisation shall be ratified by Parliament before implementation of such treaty, agreement or convention."

STATEMENT OF OBJECTS AND REASONS

The Government of India commits the country and people into many obligations and duties while signing treaties and agreements with other countries or while participating in multilateral or International Conferences or conventions. The Constitution empowers the Government to enter into and implement any treaty, agreement or convention with other country or countries.

Practically, the Parliament plays no role in entering into or implementing any treaty, agreement or convention with other country or countries. This is not a healthy practice for a vibrant democracy like India.

In the country like United States of America, Government cannot implement any treaty or agreement with other country or countries without its ratification by the Congress. Such a position is more just, democratic and correct. The practice of entering into an agreement or treaty with any other country or countries by the Government without taking into confidence both the Houses of Parliament does not appear sound and it requires to do away with.

The Bill seeks to amend the Constitution with a view to provide that every treaty, agreement or convention entered into by India with any other country or countries or multilateral organisation shall be ratified by Parliament before implementation of such treaty, agreement or convention.

The Bill seeks to achieve the above objectives.

NEW DELHI;
December 8, 2005.

C.K. CHANDRAPPA

BILL NO. 1 OF 2006

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2006.

Short title.

2. In article 148 of the Constitution, in clause (1), after the words “by warrant under his hand and seal” the following words shall be inserted, namely:—

Amendment
of article 148.

“on the recommendation of a Committee consisting of the Chairman of the Council of States, the Speaker of the House of the People and the Chairman of the Public Accounts Committee from amongst a panel of three persons having sufficient knowledge of finance, accounting and auditing system or having practical experience of working in the finance department or has worked as Accountant General.”.

STATEMENT OF OBJECTS AND REASONS

The office of the Comptroller and Auditor-General of India embodies an institution of great importance and is a high Constitutional office. However, the Constitution of India does not lay down any qualification for the Comptroller and Auditor-General nor the manner of his selection.

Due to this, of late, it has been observed that this post is being held by retired bureaucrats who have no knowledge and experience in the matter of public finance, auditing and accounting.

In the countries like United Kingdom, Canada, Australia and United States this high office is held by eminent personalities of impeccable character with deep knowledge in the matters of public finance, accounting and auditing.

The office of the Comptroller and Auditor General is expected to critically review the spending of public money by the Government and to ensure that the spending is done according to allocation of funds made in the budget. This office guarantees that in relation to public spending the Government is accountable to Parliament.

The Bill seeks to amend the Constitution with a view to provide for qualifications and manner of appointment of the Comptroller and Auditor General by the President so that suitably skilled persons with right experience can be appointed to the office of the Comptroller and Auditor General. The Bill will go a long way to restore the high standard and esteem of this important office.

NEW DELHI;
December 14, 2005.

C.K. CHANDRAPPA

P.D.T. ACHARY,
Secretary-General.